

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1202-01  
Bill No.: Perfected HB 402  
Subject: Courts; Crimes and Punishment; Health Care Professionals; Medical Procedures and Personnel  
Type: Original  
Date: March 29, 2001

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
General Revenue Fund	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

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## **FISCAL ANALYSIS**

### ASSUMPTION

Officials from the **Office of the State Public Defender, Department of Health, Department of Public Safety - State Highway Patrol, and the Department of Mental Health** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Prosecution Services (OPS)** assume the proposed legislation would have no financial impact on their agency, provided the prosecutors would not be responsible for mailing the reports. OPS noted the legislation is silent on that issue.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would require that certain copies of presentence investigation reports and sex offender assessment records be provided to treatment providers and therapists upon request. Since the burden of providing these copies appears to rest with Probation and Parole, they would not anticipate any costs to the courts.

Officials from the **Department of Corrections (DOC)** assume the language in this proposal mandates that copies of all Pre-Sentence Investigation (PSI) reports and Sexual Offender Assessment (SOA) records will be delivered to treatment providers and therapists assigned to an offender. DOC assumes the treatment provider or therapist assigned to an offender (as referred to in the proposal) would honor the offenders' rights to confidentiality concerning their records, and a "Release of Information" would be signed by the offender and forwarded for placement in the Probation and Parole (P&P) file. DOC assumes this first requirement step in this process would be the responsibility of the treatment provider or therapist if this proposal were passed into law.

Review of FY2000 treatment referrals indicates that 32,467 cases were opened. 17,869 offenders were identified that would be referred to treatment by policy. PSIs are conducted on about 19.72% of the offenders. Assuming an even distribution of cases, this would result in copying approximately 3,360 PSIs per year. SOA numbers are included in this group. If an initial assessment were required when a PSI was not completed, the number would be the total 17,869.

The above assumptions only account for cases opened. Offenders are not counted more than one time and neither are offenders who relapse and need additional treatment. These numbers are unknown, but would increase the counts significantly. In drug offenders, the relapse rate is in excess of 50%.

ASSUMPTION (continued)

As shown by the above-mentioned numbers, much time is dedicated by supervision staff (P&P as well as Treatment) on the tracking and monitoring of offenders for participation in necessary treatment programs. Currently, treatment staff can review files for information which may prove beneficial for decisions in the treatment process, but copies are not allowed to be made. It is felt that provision of hard-copy documentation, even though an initial time-consuming procedure, would account for an overall saving of staff time for all involved. Files would not have to be retrieved and reviewed time after time, thus resulting in more dedication to the true nature of the task at hand, treatment of the offender, and less overall time spent in the administrative process.

In summary DOC assumes this proposal, if passed as law, would be mutually beneficial to all parties involved, with any resulting fiscal impact of a minimal amount that can be absorbed within existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation allows copies of the presentence investigation reports and sex offender assessment records to be mailed or sent by facsimile to treatment providers and therapists assigned to certain offenders.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

BLG:LR:OD (12/00)

Office of Prosecution Services  
Office of the State Public Defender  
Department of Health  
Department of Mental Health  
Office of State Courts Administrator  
Department of Public Safety  
    - State Highway Patrol  
Department of Corrections

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is fluid and cursive, with the first name "Jeanne" being more prominent than the last name "Jarrett".

Jeanne Jarrett, CPA  
Director

March 29, 2001